

REMARKS

This is in response to the Office Action of December 31, 2002. In that Office Action, Claims 24-29, 31 and 33-39 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as his invention. Specifically, the Patent Office indicated that the intended photoactivation treatment is not an apparatus limitation and, therefore, the language "during photoactivation treatment" in Claim 24 rendered the claim vague and indefinite as to the structural limitation intended.

Claim 28 was rejected as being misdescriptive.

The Patent Office indicated that the claims would be allowed if rewritten or amended to overcome these rejections.

By this Amendment, Claim 24 has been amended by deleting the phrase, "during photoactivation treatment." This amendment is not intended to suggest that the containers are not connected during photoactivation treatment.

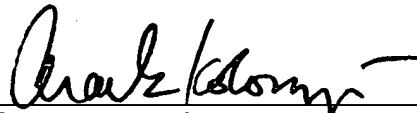
Claim 28 has also been amended to recite that the "adsorbent material is housed within a flow-through device that is in flow communication with and located between said first and second containers."

Claims 35 and 36 are being cancelled from this application, without prejudice. Applicants reserve the right to prosecute

these or similar claims in a "continuing application. New dependent Claims' 40 and 41 have been added. As these claims depend from Claim 24, they should also be allowable.

It is now believed that the claims are in condition for allowance. Reconsideration and allowance of such claims are respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Andrew G. Kolomayets", written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

24. (Twice Amended) A disposable fluid processing set for use in a photoactivation treatment of a biological fluid comprising:

a first container for holding a biological fluid and a photochemical agent during photoactivation treatment, wherein said container is made of a material that is substantially translucent to light in the photoactivating wavelength range;

a second container for receiving at least said biological fluid from said first container wherein said second container is integrally connected to said first container ~~during photoactivation treatment~~;

an openable flow path between said first and second containers; and

an adsorbent material for removing at least one or both of excess photochemical agent or photoactivation by-products from said biological fluid.

28. (Three Times Amended) The disposable fluid processing set of Claim 24 wherein said adsorbent material for removing said photochemical agent and said photoactivation by-products from said biological fluid ~~comprises a~~ is housed within a flow through flow-through device housing said adsorbent material that is in flow communication with and located between said first and second containers.